

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the City of Sacramento for an order authorizing the construction of a new at-grade light rail crossing across the proposed extension of 5<sup>th</sup> Street north of H Street (PUC No. 083 A1-0.60). In the vicinity of the proposed crossing, the light rail line travels along the northern side of H Street and is operated by the Sacramento Regional Transit District (RT), located in the County of Sacramento, State of California.

Application 12-07-024  
(Filed July 23, 2012)

**DECISION GRANTING AUTHORIZATION TO THE CITY OF SACRAMENTO  
TO CONSTRUCT A NEW AT-GRADE CROSSING OVER THE SACRAMENTO  
REGIONAL TRANSIT DISTRICT LIGHT RAIL TRACKS IN THE CITY OF  
SACRAMENTO, COUNTY OF SACRAMENTO**

**Summary**

This decision grants the City of Sacramento authorization to construct a new at-grade highway-rail crossing over the tracks of the Sacramento Regional Transit District in the City of Sacramento, Sacramento County. The new crossing will be identified as CPUC Crossing No. 083A-0.60.

**Discussion**

The City of Sacramento (City) requests authority to construct a new, at-grade highway-rail crossing over the tracks of the Sacramento Regional Transit District (SRTD) in the City, Sacramento County. The City states that the purpose of the proposed project is to convert 5th Street from a one-way street to a two-way street and extend it north past H Street to provide more convenient access to

and from the Downtown Sacramento Railyards Development and to facilitate future development. The extension of 5<sup>th</sup> Street will provide a connection from the existing City street network to the Railyards area. The Downtown Sacramento Railyards Development involved shifting the existing Union Pacific Railroad tracks, building new station platforms for Amtrak trains, and opening up the railyards for commercial development.

The current intersection of 5<sup>th</sup> Street at H Street is a non-signalized three-way intersection with the third leg being a two-lane, two-way access road into and out of the Sacramento Valley Amtrak/light rail station. 5<sup>th</sup> Street is a three-lane, one-way street northbound that terminates at H Street. H Street is a two-lane, one-way street eastbound that terminates at 5<sup>th</sup> Street. The existing SRTD track runs parallel to the north side of H Street. The proposed project will convert the existing segment of 5<sup>th</sup> Street south of H Street to a two-way street with two northbound lanes (one dedicated left-turn lane and one through/right-turn lane) and one southbound lane. The new segment of 5<sup>th</sup> Street north of H Street will consist of two southbound lanes (one dedicated left-turn lane and one through/right-turn lane) and one northbound lane over a single SRTD track. Also, as part of the project, H Street will be converted to a two-way street with one traffic lane in each direction.

The new four-way intersection will be fully signalized and provided with a pre-emption interconnection to the SRTD crossing. Warning devices will consist of a California Public Utilities Commission (Commission) Standard 1-R (crossbuck sign on a post) on each approach of 5<sup>th</sup> Street with the traffic signals being pre-empted for trains. A California Manual on Uniform Traffic Control Devices (CAMUTCD) R13A (CA) "No Right Turn on Red" sign will be installed for drivers on westbound H Street. CAMUTCD W10-1 advanced warning signs

will be installed on each approach of 5<sup>th</sup> Street. A CAMUTCD W10-2 advanced warning sign will be installed on both the westbound approach of H Street and the eastbound approach of the Amtrak/light rail station access road. Rail service at this proposed crossing will be approximately 120 light rail trains per day at a maximum speed of 25 mph.

### **Environmental Review and CEQA Compliance**

The California Environmental Quality Act of 1970 (CEQA, as amended, Public Resources Code Section 21000 et seq.) applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. Since the project is subject to CEQA and the Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission has the exclusive authority to approve the project pursuant to Section 1202 of the Public Utilities Code), the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is either the public agency that carries out the project,<sup>1</sup> or the one with the greatest responsibility for supervising or approving the project as a whole.<sup>2</sup> Here, the City is the lead agency for this project because it is constructing the Downtown Sacramento Railyards project and it is subject to its review and approval. The Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under

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<sup>1</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

<sup>2</sup> CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.<sup>3</sup>

On August 20, 2007, the City filed the Railyards Specific Plan Draft Environmental Impact Report (DEIR) with the State Clearinghouse. Between August 20, 2007 and October 4, 2007, the City received written and oral comments on the DEIR. In November 2007, the City issued its Railyards Specific Plan Final Environmental Impact Report (FEIR), which includes this at-grade crossing. The City prepared an Initial Study (IS) and adopted a Mitigated Negative Declaration (MND) on May 11, 2009. A Notice of Determination (NOD) filed with the Sacramento County Clerk on June 8, 2009 indicated the IS and MND had been prepared for the project, and stated that the Railyards project as a whole will have a significant impact on the environment and that mitigation measures were adopted by the City as a condition of their approval of the project. With respect to the at-grade crossing requested in this application, noise from construction was identified as having a potentially significant impact on the environment. Noise control devices, such as equipment mufflers, enclosures and barriers will be used to reduce noise levels to less-than-significant levels. There were no impacts identified that relate to transportation and safety in the at-grade crossing requested in this application.

The Commission reviewed and considered the City's NOD and MND as they relate to this at-grade crossing and finds them adequate for our decision-making purposes.

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<sup>3</sup> CEQA Guidelines, Sections 15050(b) and 15096.

### **Filing Requirements and Staff Recommendations**

This application is in compliance with the Commission's filing requirements including Rule 3.7 of the Rules of Practice and Procedure, which relates to the construction of a public road across a railroad.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section has inspected the site of the proposed crossing, and has reviewed and analyzed the plans submitted with the application, and recommends that the requested authority to construct the subject crossing be granted for a period of three years.

### **Categorization and Need for Hearings**

In Resolution ALJ 176-3298, dated August 2, 2012, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that hearings were not necessary. No protests have been received. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

### **Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

### **Assignment of Proceeding**

Emory J. Hagan is the assigned Examiner in this proceeding.

## **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on July 31, 2012. There are no unresolved matters or protests. A public hearing is not necessary.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to construct a new at-grade highway-rail crossing over the SRTD tracks in the City, Sacramento County.

3. The City is the lead agency for this project under CEQA.

4. On June 8, 2009, the City filed an NOD with the Sacramento County Clerk indicating that an MND had been prepared for the project, and stated that the Downtown Sacramento Railyards project as a whole will have a significant impact on the environment and that mitigation measures were made a condition of the approval of the project.

5. With respect to the at-grade crossing requested in this application, noise from construction was identified as having a potentially significant impact on the environment. Mitigation measures were adopted by the City that brings the impact to less than significant levels. There were no impacts identified that relate to transportation and safety in the at-grade crossing requested in this application.

6. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's NOD and MND. The NOD and MND prepared by the City as the documentation required by CEQA for the project are adequate for our decision-making purposes.

## **Conclusions of Law**

1. The NOD and MND prepared by the City were completed in compliance with CEQA, and reflect the Commission's independent judgment.

2. The Downtown Sacramento Railyards project as a whole will have a significant impact on the environment and mitigation measures were made a condition of the approval of the project by the City. With respect to the at-grade crossing requested in this application, noise from construction was identified as having a potentially significant impact on the environment.

3. Reasonable and feasible mitigation measures were adopted by the City that brings the impact to less-than-significant levels.

4. The application is uncontested and a public hearing is not necessary.

5. The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. The City of Sacramento is authorized to construct a new at-grade highway-rail crossing over the light rail tracks of the Sacramento Regional Transit District in the City of Sacramento, Sacramento County. The new crossing will be identified as CPUC Crossing No. 083A-0.60.

2. The proposed warning devices shall consist of a Commission Standard 1-R (crossbuck sign on a post) installed on each 5<sup>th</sup> Street approach of the crossing with the traffic signals being pre-empted for trains.

3. California Manual on Uniform Traffic Control Devices W10-1 railroad advance warning signs shall be placed in both 5<sup>th</sup> Street approach directions.

4. California Manual on Uniform Traffic Control Devices W10-2 railroad advance warning signs shall be placed on the eastbound H Street approach and westbound Amtrak/Light rail station access road approach.

5. A California Manual on Uniform Traffic Control Devices R13A (CA) "No Right Turn on Red" sign shall be installed for drivers on westbound H Street.

6. The City of Sacramento shall notify the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section at least five (5) business days prior to opening the crossing. Notification shall be made to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov).

7. Within 30 days after completion of the work under this order, the City of Sacramento shall notify the Rail Crossings Engineering Section in writing, by submitting a completed Commission Standard Form G (*Report of Changes at Highway Grade Crossings and Separations*), of the completion of the authorized work. Form G requirements and forms can be obtained at the CPUC web site Form G page at <http://www.cpus.ca.gov/formg>. This report may be submitted electronically to [rces@cpuc.ca.gov](mailto:rces@cpuc.ca.gov) as outlined on the web page.

8. The City of Sacramento shall comply with all applicable rules, including Commission General Orders and the California Manual on Uniform Traffic Control Devices.

9. This authorization shall expire if not exercised within three years of the effective date of this decision, unless time is extended or if the above conditions are not satisfied. The California Public Utilities Commission may revoke or modify this authorization if public convenience, necessity, or safety so require.

10. A request for extension of the three-year authorization period must be submitted to the California Public Utilities Commission's Rail Crossings Engineering Section at least 30 days before the expiration of that period. A copy of the request must be sent to all interested parties.

11. The application is granted as set forth above.



12. Application 12-07-024 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.